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21171 7590 02/23/2007

STAAS & HALSEY LLP
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 WASHINGTON, DC 20005



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,750	11/25/2003	Atsushi Watanabe	392.1842	2777

TITLE OF INVENTION: PRODUCTION CELL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	05/23/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
PHAM, THOMAS K	2121	700-011000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **STAAS & HALSEY LLP**

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

FANUC LTD

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

YAMANASHI, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
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- ☒ A check is enclosed.
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- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **19-3935** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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KARI P. FOOTLAND

Registration No. _____

55,187

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Docket No.: 392.1842

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Atsushi WATANABE et al.

Serial No. 10/720,750

Group Art Unit: 2121

Confirmation No. 2777

Filed: November 25, 2003

Examiner: T. K. Pham

For: PRODUCTION CELL

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Office Action mailed October 6, 2005 and in the Notice of Allowability mailed February 23, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. The reasons for allowance set forth starting on page 2 of the Notice of Allowability sets forth specific features not found in the prior art. It is submitted that the Examiner's statement is not an accurate quote with respect to claims 1, 7 and 12. For example, the apparatus of claim 1 does not recite "sending the task unit indicator information read out from the storing means, and the updated task unit indicator information sent back from the work performing element, to each of the work

performing elements; and each of the work performing elements comprises: task unit storing means for storing one or more task units; determining whether or not it is possible to execute the task unit that is to be executed next, on the basis of said task unit indicator information; sending said notification for executability to said information processing device if said task unit is determined to be executable....” As such, it is submitted that the Examiner’s statement is not a suitable reason for allowance. The claim language should be used to determine the reasons for allowance.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner’s Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner’s characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

Further, the reasons for allowance set forth starting on page 2 of the Notice of Allowability include descriptions and characteristics of the references of record. It is submitted that such characterizations are not proper “reasons for allowance” as directed by 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14. In particular, a discussion of the prior art is specifically identified in Example (F) of M.P.E.P. §1302.14 as a statement which is not a suitable reason for allowance.

In summary, it is submitted that the Examiner’s Statement “raises possible misinterpretations... and possible estoppel effects” (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

By:



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Registration No. 55,187

Date:

4/17/07

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